

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PETER TILTON,

Plaintiff,

v.

THE MCGRAW-HILL COMPANIES, INC.,  
*et al.*,

Defendants.

Case No. C06-0098RSL

ORDER REGARDING  
PLAINTIFF'S JOURNALS

Defendants, in their motion to dismiss (Dkt. #36), argued that plaintiff had refused to produce copies of his journals in this action. The Court subsequently ordered plaintiff to provide relevant portions of the journals for an *in camera* review.

The Court has now reviewed the journals, and based on that review, ORDERS that plaintiff is not required to produce a copy of them. Plaintiff has stated that he created the journals at the direction of counsel for purposes of this litigation. Declaration of Peter Tilton, (Dkt. #55) at ¶ 100. Some of the entries contain plaintiff's litigation strategies. A few of the entries reference communications between plaintiff and his counsel. Defendants have not shown substantial need to obtain the documents. The information in the journals is, for the most part, of marginal relevance and cumulative of other evidence already produced. Also, the journals

1 contain very private and personal writings. Defendants can obtain and have obtained similar  
2 information from other, less private sources with less embarrassment to plaintiff.

3 Now that the Court has ruled on all outstanding discovery issues, defendants may briefly  
4 continue plaintiff's deposition. The Court had suggested during oral argument that it might  
5 order the deposition continued in the courtroom. Although the Court is not requiring that, if  
6 either party desires it, counsel should contact the Court's judicial assistant, Teri Roberts, at 206-  
7 370-8810 to arrange to have the deposition continued in a courtroom before the Court or a  
8 Magistrate Judge. The parties would be responsible for providing the court reporter. Otherwise,  
9 after the conclusion of plaintiff's deposition, the parties should contact Ms. Roberts to schedule  
10 a pre-trial conference.

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12 DATED this 23rd day of April, 2007.

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15 Robert S. Lasnik  
16 United States District Judge  
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